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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,162	01/22/2004	Rong Duan	P/4076-66	8162

2352 7590 12/28/2005

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EXAMINER

TOLEDO, FERNANDO L

ART UNIT	PAPER NUMBER
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2823

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/764,162

Applicant(s)

DUAN ET AL.

Examiner

Fernando L. Toledo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20040122.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following reason:

It is noted that there are number of co-pending applications filled related to the instant application. However, the applicant fails to disclose the co-pending applications that related to the instant application as required under 37 CFR 1.56. "Information relating to or from co-pending United States Patent applications, the individuals covered by 37 CFR 1.56 have a duty to bring to the attention of the examiner, or other Office official involved with the examination of a particular application, information within their knowledge as to other co-pending United States applications which are "material to patentability" of the application in question. As set forth by the court in *Armour & Co. v. Swift & Co.*, 466 F.2d 767, 779, 175 USPQ 70, 79 (7th Cir. 1972)." Therefore, applicant is requested to provide the serial numbers of all the co-pending application that related to the instant application.

### ***Election/Restrictions***

2. Claims 11 – 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5 October 2005.
3. Applicant's election with traverse of the restriction in the reply filed on 5 October 2005 is acknowledged. The traversal is on the ground(s) that there is no mention of etching. This is not

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found persuasive because the apparatus can be used for a materially different process, just because the Applicant is silent on the other processes that the apparatus can be used for does not mean that it is not possible.

The requirement is still deemed proper and is therefore made FINAL.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs et al. (U. S. Patent 5,364,007).

6. In re claim 1, Jacobs in the U. S. Patent 5,364,007; figures 1 – 4 and related text discloses a holding device 14 for securing the semiconductor device to a platform, including an opening 16 in the holding device for providing access to an area where the semiconductor device is to be heated; a cavity 58 coupled to the opening; and a gas inlet 32 in fluid communication with the cavity for supplying a relatively inert gas to the cavity, whereby to transmit the inert gas to the opening through the cavity (Figure 1).

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7. In re claim 2, Jacobs discloses wherein the cavity is configured such that the inert gas supplied to the cavity is directed away from an outlet connecting the cavity to the opening (Figure 1).

8. In re claim 3, Jacobs discloses including a conduit between the cavity and gas inlet for diverting the inert gas into the cavity (Figure 1).

9. In re claim 4, Jacobs discloses wherein the conduit is formed in the holding device (Figure 1).

10. In re claim 5, Jacobs discloses wherein the cavity is formed in the holding device (Figure 1).

11. In re claim 6, Jacobs discloses wherein the gas inlet is formed in the holding device (Figure 1).

12. In re claim 7, Jacobs discloses wherein the gas inlet is formed in the platform (Figure 1).

13. In re claim 8, Jacobs discloses including a space between the holding device and the platform for receiving the inert gas from the gas inlet and for distributing the inert gas over a surface of the electronic device (Figure 1).

14. In re claim 9, Jacobs discloses wherein the space is connected to the opening for distributing an amount of the inert gas directly from the space to the opening (Figure 1).

15. In re claim 10, Jacobs discloses including a conduit linking the cavity and the space for channeling an amount of the inert gas from the space to the cavity (Figure 1).

16. Claims 1 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al. (U. S. Patent 6,866,182 B2).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

17. In re claim 1, Wong in the U. S. Patent 6,866,182 B2; figures 1 – 5 and related text discloses a holding device 12 for securing the semiconductor device to a platform, including an opening 18 in the holding device for providing access to an area where the semiconductor device is to be heated; a cavity 10 coupled to the opening; and a gas inlet 18 in fluid communication with the cavity for supplying a relatively inert gas to the cavity, whereby to transmit the inert gas to the opening through the cavity (Figure 4).

18. In re claim 2, Wong discloses wherein the cavity is configured such that the inert gas supplied to the cavity is directed away from an outlet connecting the cavity to the opening (Figure 4).

19. In re claim 3, Wong discloses including a conduit between the cavity and gas inlet for diverting the inert gas into the cavity (Figure 4).

20. In re claim 4, Wong discloses wherein the conduit is formed in the holding device (Figure 4).

21. In re claim 5, Wong discloses wherein the cavity is formed in the holding device (Figure 4).

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22. In re claim 6, Wong discloses wherein the gas inlet is formed in the holding device (Figure 4).

23. In re claim 7, Wong discloses wherein the gas inlet is formed in the platform (Figure 4).

24. In re claim 8, Wong discloses including a space between the holding device and the platform for receiving the inert gas from the gas inlet and for distributing the inert gas over a surface of the electronic device (Figure 4).

25. In re claim 9, Wong discloses wherein the space is connected to the opening for distributing an amount of the inert gas directly from the space to the opening (Figure 4).

26. In re claim 10, Wong discloses including a conduit linking the cavity and the space for channeling an amount of the inert gas from the space to the cavity (Figure 4).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fernando L. Toledo whose telephone number is 571-272-1867. The examiner can normally be reached on Mon-Thu 7am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Fernando L. Toledo  
Patent Examiner  
Art Unit 2823

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21 December 2005